



Assessment of Commercial Driver's License (CDL) Holders' Traffic Violations, Convictions, and Disqualifications

BACKGROUND

The Federal Motor Carrier Safety Regulations found in 49 CFR 383.51 and 391.15 describe offenses for which a CMV operator may be disqualified from operating a CMV for a prescribed length of time due to safety or other reasons. Each State has its own systems and processes for disqualifying CDL holders when they are convicted of major offenses and traffic violations. The Federal Motor Carrier Safety Administration (FMCSA) works with States to ensure these processes are timely and effective.

OBJECTIVES

To better understand and improve State processes, FMCSA conducted this study to evaluate the effectiveness of the citation, adjudication, disqualification, and roadside detection processes and to identify potential gaps or deficiencies among the numerous parties involved.

The specific research questions on the citation process addressed by this study are:

1. What percentage of potentially disqualifying violations recorded during a roadside inspection result in a potentially disqualifying citation offense?
2. What is the distribution of 49 CFR 383.51 violations that result in guilty verdicts, not guilty verdicts, or are otherwise adjudicated?

The specific research questions on the adjudication process addressed by this study are:

3. How frequently do citations of the offenses in 49 CFR 383.51 result in a dismissal of charge, or other adjudication, that results in the driver not having their CDL disqualified?
4. How often do charges result in a conviction under 49 CFR 383.51 and the CDL holder's disqualification?
5. How often does the ticketing of a 49 CFR 383.51 "administrative per se" properly result in a CDL holder's disqualification?

The specific research questions on the roadside inspection process addressed by this study are:

6. What percentage of drivers are disqualified for safety reasons as opposed to suspended for non-safety reasons?
7. At what rate do roadside inspections of disqualified drivers appropriately identify them as disqualified?

METHODS

The research team examined data from eight States⁽¹⁾ over a 3-year period, from 2016 to 2018, and analyzed the full life cycle of potentially disqualifying (PDQ) violations from issuance to disposition, including subsequent detection of disqualified drivers during inspections.

The research team followed processes from law enforcement observation of violations, to the recording of associated citations, to the transferring of citations to the courts, to their adjudication in the courts, to driver disqualification, and ultimately to the detection of disqualified drivers in subsequent traffic enforcement inspections.

The research team sought to identify process and data deficiencies along the way that could allow drivers to continue driving when they should have been disqualified and to identify associated recommendations for improvement by answering the seven research questions that illuminated these three general areas:

- How disqualifying violations and associated citations are adjudicated and processed.
- Why CDL drivers are disqualified and whether this is generally for safety or non-safety reasons.
- Whether disqualified CDL holders are reliably detected at the roadside.

¹ These States were not intended to be a perfect proxy for the entire United States. Given the small sample size, these findings are intended to provide general insights into the process as opposed to definitive findings. Participating

States did so voluntarily and findings should be taken as an indictment of any particular State.



FINDINGS

- **How disqualifying violations and associated citations are adjudicated and processed.** PDQ violations assessed at the roadside did not always have a matching PDQ citation at the court. Often it was not possible to determine whether a PDQ citation was missing due to inspector discretion (law enforcement is permitted to use discretion on whether to issue a citation that will send the charges to State court) or data issues. Once citations get to court, there are several possible outcomes, although PDQ convictions were the most common outcome for most of the States with available data. The court data showed potential masking (as defined in 49 CFR 384.226) in 0.5 to 18 percent of the PDQ court citations among the States with data, typically related to conviction of a reduced (non-PDQ) charge. Finally, convictions do not always properly result in a CDL holder's disqualification for 49 CFR 383.51 violations.
- **Whether CDL drivers are generally disqualified for safety reasons or suspended for non-safety reasons.** The research found that most drivers are disqualified for safety-based reasons.
- **Whether disqualified CDL holders are reliably detected at the roadside.** Looking across all States and focusing only on inspections where the disqualification had a specific date to reinstate the license, the detection rates ranged from 24 to 66 percent. The research found that these disqualifications had higher detection rates at roadside inspections than those without a known reinstatement date.

CONCLUSIONS

The research discovered that process and data quality issues disrupt the citation, conviction, and disqualification process and impede the successful assessment and recording of PDQ citations. This project illuminated five key points where disruptions can occur along the disqualification path. These disruptions occur at various stages as disqualifying violations and associated citations are issued, adjudicated, processed, and recorded, as well as when the resulting CDL disqualifications are implemented and detected.

1. An inspector utilizes discretion to assess the citation at a PDQ or non-PDQ level (research question 1). The ability for inspectors and law enforcement personnel to utilize discretion in determining whether or not to assess a citation as a PDQ offense presents an opportunity for CDL holders to avoid PDQ violations at the roadside. This discretion could undermine the disqualification process by allowing drivers to avoid PDQ violations.
2. A PDQ citation goes to the State Court system and is either adjudicated or not; if adjudicated, the court may dismiss or reduce the charge, divert to probation before judgment, or convict on the PDQ charge (research questions 2–3). Once citations get to court, there are several possible outcomes. PDQ convictions were the most common outcome for most of the States with available data, but there were a couple of States where this was not the case. Among the States with data, the court data also showed potential masking in 0.5 to 18 percent of the PDQ court citations, typically related to conviction of a reduced (non-PDQ) charge.
3. As a PDQ citation becomes a PDQ conviction it passes through multiple Federal, State, and sometimes local record keeping systems (research questions 2–5). Records may be lost or compromised through process or data deficiencies among the various parties involved; convictions may not be recorded on the CDL holder's State or Commercial Driver's License Information System (CDLIS) driver record.
4. When a PDQ conviction is processed and posted by the SDLA, the SDLA may fail to apply the mandatory withdrawal as per 383.51 (research questions 4–5). PDQ convictions that should result in a disqualification do not always properly result in a CDL holder's disqualification for 49 CFR 383.51 violations.
5. After the disqualification process is complete and a CDL is disqualified, the disqualification may not be detected during a roadside inspection (research questions 6–7). Research question seven examined the extent to which disqualified CDL holders are detected at the roadside. Looking across the eight States, and focusing only on inspections during "fixed" disqualifications, the detection rates ranged from 24 to 66 percent.

Recommended follow-on steps to improve availability and quality of data are listed in the complete report. To read the complete report, please visit:

<https://rosap.ntl.bts.gov/view/dot/72942>

